

1 LAW OFFICES OF SCOTT L. TEDMON  
2 A Professional Corporation  
3 SCOTT L. TEDMON, CA. BAR # 96171  
4 717 K Street, Suite 227  
Sacramento, California 95814  
Telephone: (916) 441-4540  
email: [tedmonlaw@comcast.net](mailto:tedmonlaw@comcast.net)

5 Attorney for Petitioner  
**ANGEL JESUS ALVAREZ**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 Petitioner, Angel Jesus Alvarez, by and through his counsel Scott L. Tedmon, provides this  
18 written response to the Court's Order to Show Cause dated May 14, 2007. Additionally, Petitioner's  
19 Response along with Exhibit A will be served on Senior Assistant Attorney General Gerald Engler  
20 at his office email address: [gerald.engler@doj.ca.gov](mailto:gerald.engler@doj.ca.gov).

J

**PETITIONER SERVED DEFENDANT WITH THE PETITION**

23 On August 18, 2006, counsel for Petitioner served Respondent's counsel, the California  
24 Attorney General, as well as other interested parties, with a hard copy of the Petition via U.S. Mail.  
25 A copy of the Petitioner's Certificate of Service is included herewith in Exhibit A. On August 21,  
26 2006, the Clerk's Office for the U.S. District Court for the Northern District of California filed  
27 Petitioner's writ. A copy of the receipt for payment from the Clerk of the Court is included herewith  
28 in Exhibit A. On August 31, 2006, counsel for Petitioner sent an email with the ECF Information

1 Handout to Senior Assistant Attorney General Gerald Engler advising that the case had been  
2 designated for efiling. A copy of the email and ECF Information Handout sent to  
3 [gerald.engler@doj.ca.gov](mailto:gerald.engler@doj.ca.gov) is included herewith in Exhibit A. Additionally, shortly after the filing  
4 of the Petition, there was telephone contact between Petitioner's counsel and Mr. Engler wherein  
5 discussions were had regarding Mr. Alvarez's case.

6 **II**

7 **PETITIONER HAS BEEN DILIGENT IN ATTEMPTING TO**  
**ASCERTAIN THE DELAY IN COURT ACTIVITY FOR THIS CASE**

8 Beyond the fact that the Petition was served on the Respondent in a timely manner, counsel  
9 for Petitioner has been diligent in attempting to ascertain why there has been the delay in court  
10 activity regarding the writ. Petitioner's counsel has handled many federal habeas writs and  
11 understood the Court initially screens the petition and then, if appropriate, issues an Order to Show  
12 Cause on the Respondent directing them to answer the petition. During the first few months after  
13 the filing of the Petition, counsel for Petitioner surmised the Court was conducting the screening  
14 process and as such, no court orders were issued. However, after not hearing anything from the  
15 Court extended into early 2007, the lack of Court activity appeared longer than normal.  
16 Consequently, Scott Tedmon's associate counsel on this case, Mr. Clifford E. Tedmon, made  
17 telephone inquiries to the Court staff over the past several weeks, and prior to the Court's Order to  
18 Show Cause being filed, regarding the status of the writ. Mr. Clifford Tedmon was not able to obtain  
19 a response as to why there was an absence of Court activity since the filing of the Petition. In  
20 addition to contacting the Court staff, counsel for Petitioner regularly wrote letters to Mr. Alvarez  
21 advising him as to what might be happening regarding the Court process and his Petition. The  
22 various letters written by Petitioner's counsel to Mr. Alvarez are included herewith in Exhibit A.  
23

24 After receiving the Court's Order to Show Cause, counsel for Petitioner accessed the Court's  
25 website via Pacer and reviewed Petitioner's Writ and Exhibits. The last page which should have  
26 been filed with the Petitioner's writ was the Certificate of Service. However, for reasons unclear to  
27 Petitioner's counsel, a review of the writ documents in the Court record failed to show the Certificate  
28 of Service.

1 After reviewing the entirety of his file, on May 17, 2007 counsel for Petitioner sent an email  
2 to Senior Assistant Attorney General Gerald Engler inquiring about what their records might show  
3 regarding the service of the writ and their case status. A copy of that email is included herewith in  
4 Exhibit A. On May 18, 2007, Mr. Engler contacted Petitioner's counsel by telephone and discussed  
5 the matter. Mr. Engler followed up that telephone call with an email to Petitioner's counsel dated  
6 May 18, 2007. Mr. Engler's email states they do not have a hard copy of Petitioner's writ in their  
7 records nor did they preserve the electronic copy of the materials Petitioner's counsel sent to them.  
8 Mr. Engler states that he does have some recollection of learning about this matter through contact  
9 with Petitioner's counsel some time ago. Mr. Engler then states his understanding of Rule 4 of the  
10 Rules Governing Habeas Corpus Cases is that the Attorney General's need for opening a file and  
11 filing an answer is only triggered by the Court issuing an Order to Show Cause ordering them to do  
12 so. Finally, Mr. Engler states that he checked the USDC docket on May 18, 2007 and confirmed that  
13 the Court has not ordered the Attorney General to answer the Petition. A copy of Mr. Engler's May  
14 18, 2007 email to Petitioner's counsel is included herewith in Exhibit A.

III

## **CONCLUSION**

17 Counsel for Petitioner Alvarez has taken every necessary step to serve the Respondent and  
18 prosecute this case. This is evidenced by service of the Petition on Respondent and other interested  
19 parties by U.S. Mail, communicating with Respondent's counsel, checking the Court's docket in  
20 order to stay current regarding the status of the case, communicating with Mr. Alvarez and informing  
21 him of the status of his case, and contacting the Court staff to inquire about the status of the case.

22 Based on the foregoing, counsel for Petitioner respectfully requests that Petitioner Alvarez's  
23 case not be dismissed as there has been no violation of Rule 41(b) of the Federal Rules of Civil  
24 Procedure and that his case continue to forward as directed by further order of the Court.

25 DATED: May 18, 2007

Respectfully submitted,  
LAW OFFICES OF SCOTT L. TEDMON

/s/ Scott L. Tedmon

SCOTT L. TEDMON

Attorney for Petitioner Angel Jesus Alvarez

## **EXHIBIT A**

**CERTIFICATE OF SERVICE**

ANGEL JESUS ALVAREZ, )  
Petitioner, )  
v. )  
ROBERT AYERS, JR., Warden, )  
Respondent. )  
Case No. TBA

The undersigned hereby certifies that he/she is an employee of the LAW OFFICES OF SCOTT L. TEDMON and is a person of such age and discretion as to be competent to serve papers.

10 On August 18, 2006, he/she served a copy of the attached:

**PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2254**

12 on the interested parties in said action by causing to be delivered by United States Mail a true  
13 copy thereof enclosed in a sealed envelope with postage thereon fully prepaid addressed as  
follows:

14  
15      Office of the Attorney General  
16      State of California  
17      455 Golden Gate Avenue, #11000  
18      San Francisco, CA 94102-3664

Office of the District Attorney  
Santa Clara County  
70 West Hedding Street  
San Jose, CA 95110

17 Wesley Schroeder  
18 Attorney at Law  
181 Devine Street  
San Jose, CA 95110

Santa Clara County Superior Court  
Hon. James C. Emerson  
191 North First Street  
San Jose, CA 95113

19 Angel Alvarez  
20 Petitioner

I declare that the foregoing is true and correct and this declaration was executed at Sacramento, California.

DATED: August 18, 2006

  
SCOTT L. TEDMON

Law Offices of  
Scott L. Tedmon  
A Professional Corporation

Scott L. Tedmon

August 18, 2006

**LEGAL MAIL**

Angel Alvarez  
#P-81998  
S.Q.S.P./North Block  
General Delivery  
San Quentin, California 94974

Re: Case Update

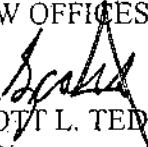
Dear Angel:

I trust you are doing well and thank you for your letter of August 10, 2006. I have sent today by FedEx your habeas petition to the U.S. District Court for the Northern District of California. It should be filed on Monday, August 21, 2006. I have served all parties by U.S. Mail. Pursuant to your instructions, I have mailed a copy of the writ to Michelle Alvarez at the address you provided. As soon as I receive the endorsed, filed cover sheet from the court, I will forward a copy to you for your records.

[REDACTED]

[REDACTED] As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,  
LAW OFFICES OF SCOTT L. TEDMON

  
SCOTT L. TEDMON  
SLT/oc  
Enclosure

Law Offices of  
**Scott L. Tedmon**

A Professional Corporation  
717 K Street • Suite 227  
Sacramento, CA 95814

Law Offices of  
**Scott L. Tedmon**

A Professional Corporation  
717 K Street • Suite 227  
Sacramento, CA 95814

OFFICE OF THE ATTORNEY GENERAL  
State of California  
455 Golden Gate Avenue, #11000  
San Francisco, CA 94102-3664

OFFICE OF THE DISTRICT ATTORNEY  
Santa Clara County  
70 West Hedding Street  
San Jose, CA 95110

Law Offices of  
**Scott L. Tedmon**

A Professional Corporation  
717 K Street • Suite 227  
Sacramento, CA 95814

Law Offices of  
**Scott L. Tedmon**

A Professional Corporation  
717 K Street • Suite 227  
Sacramento, CA 95814

WESLEY SCHROEDER  
Attorney at Law  
181 Devine Street  
San Jose, CA 95110

SANTA CLARA COUNTY SUPERIOR COURT  
Hon. James C. Emerson  
191 North First Street  
San Jose, CA 95113

Law Offices of  
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A Professional Corporation  
717 K Street • Suite 227  
Sacramento, CA 95814

Law Offices of  
**Scott L. Tedmon**

A Professional Corporation  
717 K Street • Suite 227  
Sacramento, CA 95814

MICHELLE ALVAREZ

RECEIPT FOR PAYMENT  
UNITED STATES DISTRICT COURT  
for the  
NORTHERN DISTRICT OF  
CALIFORNIA

SAN FRANCISCO, CA  
3389173

RECEIVED FROM:  
LAW OFFICES OF SCOTT L TEDMON  
717 K STREET SUITE 224  
SACRAMENTO, CA 95814

Case Number:  
3:06CV05027MJJ

F/U/B/O:  
Party ID:

Tender Type: CHECK  
06-086900 \$5.00  
Habeas

Remarks:3946

Subtotal: \$5.00  
Receipt Total: \$5.00

-----  
\* Checks and drafts are accepted  
subject to collections and full  
credit will only be given when  
the check or draft has been  
accepted by the financial  
institution on which it was drawn.

Date: 8/21/06  
Clerk: *MAB*  
MAB

INBOX: tedmonlaw

[? Help](#)[X Sign Out](#)

- MESSAGE CENTER**
- INBOX (4)**
- Draft
- Screened Mail [EMPTY]
- SentMail
- Trash [EMPTY]
- My Folders[EDIT]
  - Lam Report and Match Point
- Address Book
- Mailbox Manager
- Preferences
- ? Help
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[Next >](#)

**From:** tedmonlaw@comcast.net  
[ADD TO ADDRESS BOOK]  
**To:** gerald.engler@doj.ca.gov  
**Subject:** C 06 5027 MJJ; Alvarez v. Ayers - ECF Registration  
Information Handout  
**Date:** Thursday, August 31, 2006 2:54:36 PM

[\[VIEW SOURCE\]](#)

Dear Mr. Engler,

For your information and pursuant to the Court's instructions, attached please find the two-page ECF Registration Information Handout for the U.S. District Court, Northern District of California. Please be advised that this case has been designated for e-filing.

If you have any questions, please do not hesitate to contact me.

Very truly yours,  
Scott Tedmon  
Attorney for Petitioner Angel Alvarez

(Attachments successfully scanned for viruses.)

**Attachment 1:** [ECF Registration in PDF.pdf](#) (application/pdf)

INBOX: Email 1 of 64 Move to Folder

[Next >](#)

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C 06 5027

E-Filing

**U.S. District Court Northern California****ECF Registration Information Handout**

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Local Rule 5-4 and General Order 45. This means that you must (check off the boxes  when done):

- 1) Register** to become an efilier by filling out the efilier application form. Follow ALL the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- 2) Serve** this ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. DO NOT serve the efilier application form, just this handout.
- 3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- 4) PACER** (Public Access to Court Electronic Records) access is mandatory to access dockets and documents. If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call **(800) 676-6856**.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

**All subsequent papers in this case shall be filed electronically.**

ECF registration forms, interactive tutorials and complete instructions for efilier may be found on the ECF website: <http://ecf.cand.uscourts.gov>

**Submitting Initiating Documents**

PDF versions of all the initiating documents originally submitted to the court (Complaint or Notice of Removal, exhibits, etc.) must be **emailed (not efiled)** to the **PDF email box for the presiding judge** (not the referring judge, if there is one) **within 10 (ten) business days** of the opening of your case. For a complete list of the email addresses, please go to: <http://ecf.cand.uscourts.gov> and click on **[Judges]**.

## **U.S. District Court Northern California**

### **Submitting Initiating Documents** (continued)

You must include the case number and judge's initials in the subject line of all relevant emails to the court. You do not need to wait for your registration to email these documents.

These documents must be emailed instead of e-filed to prevent duplicate entries in the ECF system. All other documents must be e-filed from then on. You do not need to efile or email the Civil Cover Sheet, Summons, or any documents issued by the court at case opening; note that you do need to efile the Summons Returned.

### **Converting Documents to PDF**

Conversion of a word processing document to a PDF file is required before any documents may be submitted to the Court's electronic filing system.

Instructions for creating PDF files can be found at the ECF web site:

<http://ecf.cand.uscourts.gov>, and click on [FAQ].

**Email Guidelines:** When sending an email to the court, the subject line of the email **must** contain the **case number, judge's initials and the type of document(s)** you are sending, and/or the topic of the email.

**Examples:** The examples below assume your case number is 03-09999 before the Honorable Charles R. Breyer:

Type of Document	Email Subject Line Text
Complaint Only	03-09999 CRB Complaint
Complaint and Notice of Related Case	03-09999 CRB Complaint, Related Case
Complaint and Motion for Temporary Restraining Order	03-09999 CRB Complaint, TRO

### **Questions**

Almost all questions can be answered in our **FAQs** at <http://ecf.cand.uscourts.gov>, please check them first.

You may also email the ECF Help Desk at [ECFhelpdesk@cand.uscourts.gov](mailto:ECFhelpdesk@cand.uscourts.gov) or call the toll-free ECF Help Desk number at: (866) 638-7829.

The ECF Help Desk is staffed Mondays through Fridays from 9:00am to 4:00pm Pacific time, excluding court holidays.

Law Offices of  
**Scott L. Tedmon**  
A Professional Corporation

**Scott L. Tedmon**

LEGAL MAIL

December 5, 2006

Angel Alvarez  
#P-81998  
S.Q.S.P./North Block  
General Delivery  
San Quentin, California 94974

Re: Case Update

Dear Angel:

As an update on your case, I have not received any further information from the U.S. District Court since the date of filing. This is not unusual given the number of new filings the Court continually receives and the need for their writ clerks to review each petition. Once I hear from the Court, I will contact you immediately.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,  
LAW OFFICES OF SCOTT L. TEDMON

  
SCOTT L. TEDMON  
SLT/oc

Law Offices of  
**Scott L. Tedmon**  
A Professional Corporation

**Scott L. Tedmon**

LEGAL MAIL

December 7, 2006

Angel Alvarez  
#P-81998  
S.Q.S.P./North Block  
General Delivery  
San Quentin, California 94974

Re: Case Documents

Dear Angel:

Pursuant to our telephone conversation, enclosed please find the documents you requested. As soon as I hear anything new on your case, I will contact you immediately. As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,  
LAW OFFICES OF SCOTT L. TEDMON

  
SCOTT L. TEDMON  
SLT/bc  
Enclosures

Law Offices of  
**Scott L. Tedmon**  
A Professional Corporation

**Scott L. Tedmon**

LEGAL MAIL

January 8, 2007

Angel Alvarez  
#P-81998  
S.Q.S.P./North Block  
General Delivery  
San Quentin, California 94974

Re: Case Update

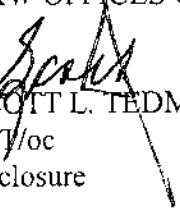
Dear Angel:

I hope this letter finds you well and am providing you with your monthly update. [REDACTED]

I have not received any communication from the Northern District as of yet regarding the writ and surmise it is under the court's initial review. However, I would expect the case to have some court-ordered activity within the next 45 days. I have a similar writ which was filed in the Eastern District at about the same time as yours and we recently received the Court's order requiring the California Attorney General to file a response to our issue. As soon as I hear anything new on your case, I will contact you immediately.

[REDACTED]  
[REDACTED]  
[REDACTED] That's the update for now. As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,  
LAW OFFICES OF SCOTT L. TEDMON

  
SCOTT L. TEDMON  
SLT/oc  
Enclosure

Law Offices of  
**Scott L. Tedmon**  
A Professional Corporation

**Scott L. Tedmon**

LEGAL MAIL

March 26, 2007

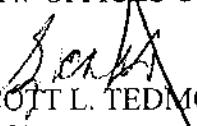
Angel Alvarez  
#P-81998  
S.Q.S.P./North Block  
General Delivery  
San Quentin, California 94974

Re: Case Status

Dear Angel:

Here is your case status update. Enclosed please find the court docket sheet that reflects all case activity through March 19, 2007. As you can see, the Court has not issued an order regarding your writ and it appears the matter is still under review. As soon as I hear anything new on your case, I will contact you immediately. As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,  
LAW OFFICES OF SCOTT L. TEDMON

  
SCOTT L. TEDMON  
SLT/oc  
Enclosure

E-Filing, HABEAS

**U.S. District Court**  
**California Northern District (San Francisco)**  
**CIVIL DOCKET FOR CASE #: 3:06-cv-05027-MJJ**

Alvarez v. Ayers  
 Assigned to: Hon. Martin J. Jenkins  
 Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 08/21/2006  
 Jury Demand: None  
 Nature of Suit: 530 Habeas Corpus (General)  
 Jurisdiction: Federal Question

**Petitioner****Angel Jesus Alvarez**

represented by **Scott L. Tedmon**  
 Law Offices of Scott L. Tedmon  
 717 K Street, Suite 227  
 Sacramento, CA 95814  
 916-441-4540  
 Fax: 916-441-4760  
 Email: tedmonlaw@comcast.net  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Respondent****Robert Ayers, Jr**  
*Warden*

Date Filed	#	Docket Text
08/21/2006	1	PETITION for Writ of Habeas Corpus - no process (Filing fee \$ 5; receipt no. 3389173). Filed by Angel Jesus Alvarez. (slh, COURT STAFF) (Filed on 8/21/2006) Additional attachment(s) added on 9/1/2006 (slh, COURT STAFF). (Entered: 08/24/2006)
08/21/2006		CASE DESIGNATED for Electronic Filing. (slh, COURT STAFF) (Filed on 8/21/2006) (Entered: 08/24/2006)

PACER Service Center			
Transaction Receipt			
03/19/2007 13:48:20			
PACER Login:	te0211	Client Code:	
Description:	Docket Report	Search Criteria:	3:06-cv-05027-MJJ
Billable Pages:	1	Cost:	0.08

**From:** tedmonlaw@comcast.net  
**To:** gerald.engler@doj.ca.gov  
**Subject:** Alvarez v. Ayers; USDC(ND) Case No. C06-5027 MJJ - Re: OSC  
**Date:** Thursday, May 17, 2007 1:44:01 PM

Dear Mr. Engler,

I represent Angel Alvarez in his federal Habeas matter in the Northern District. On Monday, I was served with an Order to Show Cause re: failure to prosecute Mr. Alvarez's writ in that the Petition was not served on the defendant. The Court has given me two (2) weeks from May 14th to file my response. This was rather surprising given the fact that I served your office by U.S. Mail on August 18, 2006. The writ was filed on August 21, 2006 and was designated as an efilng case. On August 31, 2006, I emailed you the court-generated documents reflecting the filing of the writ and the accompanying case number.

Between the filing of the writ and last Monday, I thought the Court was reviewing the matter and that was the reason for the delay. Over the past several weeks, I had my office make phone calls to the Court staff in an attempt to find out what was the status of the case. However, we were not able to secure that information. Then, to say the least, I was very surprised to receive the Court's OSC as I knew the AG's office had been served and I had communicated with you by email last August. On Tuesday, I accessed Pacer to see the court docket and reviewed the entirety of what was filed with the writ. The last page of the filed writ should have been the Certificate of Service, which was dated August 18, 2006. However, for reasons unknown to me, the Certificate of Service does not show up as part of the documents filed with the writ. Given that information, it is clear to me now why the Court has issued the OSC as the Court has no record of my serving your office.

I am in the process of finalizing my response to the Court's OSC and would like to file it on Friday, if possible. As such, I respectfully request that you reply to this email, or fax me a letter, confirming that your office was served and received Mr. Alvarez's writ on or about August 18, 2006. Additionally, I would ask that you confirm receiving my email dated August 31, 2006 wherein I transmitted the court-generated ECF documents on this case.

Please respond at your earliest convenience as time is of the essence in filing my response to the Court. If you have any questions, please do not hesitate to contact me.

Very truly yours,  
Scott Tedmon

LAW OFFICES OF SCOTT L. TEDMON  
A Professional Corporation  
717 K Street, Suite 227  
Sacramento, CA 95814  
Telephone: (916) 441-4540  
Facsimile: (916) 441-4760  
Mobile: (916) 806-1164  
Email: [tedmonlaw@comcast.net](mailto:tedmonlaw@comcast.net)  
Website: [www.tedmonlaw.com](http://www.tedmonlaw.com)

**From:** "Gerald Engler" <Gerald.Engler@doj.ca.gov>  
**To:** <tedmonlaw@comcast.net>  
**Subject:** Alvarez v. Ayers; USDC(ND) Case No. C06-5027 MJJ - Re: OSC  
**Date:** Friday, May 18, 2007 12:15:55 PM

Mr. Tedmon: Unfortunately, we do not have a hard copy of the Alvarez federal habeas petition in our records, so I cannot confirm the service date. We have only some prior state habeas pleadings and orders by the name of Angel Alvarez. Nor did we preserve the electronic copy of materials you referred to in your email below. As I mentioned in our phone conversation, I do have some recollection of learning about this matter some time back, either via email or a telephone conversation with you. I'm sure I would have told you that we would take no action until the petition had been screened pursuant to Rule 4 of the Rules Governing Habeas Corpus Cases and the district court ordered us to file an answer. We do not open a file until we receive such an order from the district court. I checked the USDC docket today and confirmed that the court has not ordered us to answer the petition.

Please do not hesitate to contact me if I can be of further assistance.

Gerald A. Engler  
Senior Assistant Attorney General

>>> <tedmonlaw@comcast.net> 5/17/2007 1:44 PM >>>

Dear Mr. Engler,

I represent Angel Alvarez in his federal Habeas matter in the Northern District. On Monday, I was served with an Order to Show Cause re: failure to prosecute Mr. Alvarez's writ in that the Petition was not served on the defendant. The Court has given me two (2) weeks from May 14th to file my response. This was rather surprising given the fact that I served your office by U.S. Mail on August 18, 2006. The writ was filed on August 21, 2006 and was designated as an efilng case. On August 31, 2006, I emailed you the court-generated documents reflecting the filing of the writ and the accompanying case number.

Between the filing of the writ and last Monday, I thought the Court was reviewing the matter and that was the reason for the delay. Over the past several weeks, I had my office make phone calls to the Court staff in an attempt to find out what was the status of the case. However, we were not able to secure that information. Then, to say the least, I was very surprised to receive the Court's OSC as I knew the AG's office had been served and I had communicated with you by email last August. On Tuesday, I accessed Pacer to see the court docket and reviewed the entirety of what was filed with the writ. The last page of the filed writ should have been the Certificate of Service, which was dated August 18, 2006. However, for reasons unknown to me, the Certificate of Service does not show up as part of the documents filed with the writ. Given that information, it is clear to me now why the Court has issued the OSC as the Court has no record of my serving your office.

I am in the process of finalizing my response to the Court's OSC and would like to file it on Friday, if possible. As such, I respectfully request that you reply to this email, or fax me a letter, confirming that your office was served and received Mr. Alvarez's writ on or about August 18, 2006. Additionally, I would ask that you confirm receiving my email dated August 31, 2006 wherein I transmitted the court-generated ECF documents on this case.

Please respond at your earliest convenience as time is of the essence in filing my response to the Court. If you have any questions, please do not hesitate to contact me.

Very truly yours,  
Scott Tedmon

LAW OFFICES OF SCOTT L. TEDMON  
A Professional Corporation  
717 K Street, Suite 227  
Sacramento, CA 95814  
Telephone: (916) 441-4540  
Facsimile: (916) 441-4760

*Mobile: (916) 806-1164  
Email: [tedmonlaw@comcast.net](mailto:tedmonlaw@comcast.net)  
Website: [www.tedmonlaw.com](http://www.tedmonlaw.com)*

**CONFIDENTIALITY NOTICE:** This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.